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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,400	12/11/2003	W. Daniel Hillis	APPL0030	2127
22862	7590	12/10/2007	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			D'AGOSTINO, PAUL ANTHONY	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/735,400	Applicant(s) HILLIS ET AL.
Examiner Paul A. D'Agostino	Art Unit 3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The Reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN SIX MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any entered patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to a void dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the improper finality of the last Office action because the claim amendment from "at least one control input" to "a plurality of control inputs" is a minor and not necessitating a new search and new grounds for rejection. Examiner respectfully disagrees. Applicant's amendment was substantial enough to change the scope of the claims and overcome a rejection under 35 U.S.C. Section 102(b). Consequently this necessitated a new prior art search and a new grounds for rejection. Maintaining the finality of the Office action is therefore appropriate.

Applicant argues that neither Stiles nor Tanaka teach or suggest a means for providing a reduced control input set that determines an action of a separate on-screen entity, or collective control of such an entity. Examiner respectfully disagrees. As explained in the Office action for Claims 1 and 11, Stiles discloses a reduced control input set or collective control to control main and tail rotors. Tanaka teaches of a video game controller hub to control on screen characters. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the machine and methods of Tanaka into the system of Stiles in order for players to recognize which game players are controlled by which game controller so that the game can be enjoyed by a plurality of players. Applicant further argues that the "correlation" described in Tanaka limits the teachings of Tanaka to identifying to a player which on screen character he, and he alone, is controlling. Examiner respectfully disagrees. The argument is misdirected as to what Tanaka does versus what Tanaka teaches. Tanaka "correlates" players with on-screen characters using identifiers. Tanaka teaches that a character can have several on screen identifiers and can be controlled by multiple players, as long as the player is informed as to which character or characters he has control over. For this reason, the teachings of Tanaka can be combined with those of Stiles to have reduced or collective control of on-screen characters.

Applicant argues that as to Claims 8, 9, 10, 18, 19, and 20, Examiner has failed to shown that the system of Stiles is substantially equivalent to applicant's claimed invention. Examiner respectfully disagrees. Examiner states "substantially equivalent" since the video controller hub is not taught by Stiles but by Tanaka as stated in Claims 1 and 11. Examiner admits that the phrase "Stiles, as modified by the teachings of Tanaka" may have been more transparent but Examiner reasonably believes the rejection can still be maintained.


JONATHAN HOTALING, II
PRIMARY EXAMINER